

## REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above claim amendments and arguments set forth below. Claims 1 and 8 have been rejected under 35 U.S.C. §112, second paragraph. Claims 1-21 have been variously rejected under 35 U.S.C. §103(a). Claims 1, 2, 8, 9 and 15 have herein been amended. All amendments are supported by the specification. No new matter has been added as a result of this amendment. Therefore, Claims 1-21 remain pending in the case.

### 35 U.S.C. §112 rejections

Claims 1 and 8 are rejected under 35 U.S.C. §112, second paragraph as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicant regards as their invention because of insufficient antecedent basis. Applicant has herein amended Claims 1 and 8 to correct the informality. Applicant asserts that amendments made to Claims 1 and 8 are not substantive in nature and have addressed the §112 rejections. Applicant respectfully requests that the rejections of Claims 1 and 8 be withdrawn.

### 35 U.S.C. § 103 rejections

Claims 1-2, 7-9, 14, 15 and 21 are rejected under 35 U.S.C. 103(a) as being obvious over Peacock et al. (US patent # 6,601,111) in view of Joseph (US patent # 6,038,603). Claims 3-5, 10-12 and 17-19 are rejected under U.S.C. 103(a) as being unpatentable over Peacock et al. in view of Joseph as applied to claims 1 and 7, and further in view of Bodnar et al. (US patent #

6,295,541). Claims 6, 13 and 20 are rejected under U.S.C. 103(a) as being unpatentable over Peacock et al. in view of Joseph as applied to claims 1 and 7, and further in view of Suzuki (US patent # 6,385,636).

Pursuant to MEP §706.02(1)(1) and §706.02(2), Applicant herein presents evidence of common ownership of the present application and the Peacock reference (US patent # 6,601,111) at the time the invention in order to overcome the rejection. Since the present application was filed after November 29, 1999, MEP §706.02(1)(1) and §706.02(2) do apply to this application and remove the cited reference as prior art. First, Applicant presents Exhibit A recorded on June 20, 2000 as proof of the recordation of the assignment (Exhibit B) from the Inventor, Gavin Peacock to Palm Inc. executed on 06/16/2000. Additionally, Exhibit C presented herein shows the assignment of the Peacock reference, serial number 09/113,542, from the inventors Gavin Peacock and Jeffrey C. Hawkins to 3COM Corporation, executed on November 10, 1998 and recorded on October 07, 1999. Exhibit D shows a bulk assignment from 3COM Corporation to Palm Inc., executed on 06/21/2000 and recorded on November 28, 2000. Palm Inc. was newly formed subsidiary of 3COM Corporation at the time of the recordation of Exhibit D. The evidence clearly shows that both the present invention and the Peacock reference were co-owned first by Palm Inc, at the time of the invention.

In light of the arguments and the evidence presented herein, and pursuant to MEP §706.02(1)(1) and §706.02(2), Applicant respectfully requests the withdrawal of the rejections and the allowance of Claims 1-21.

## CONCLUSION


In light of the above remarks, reconsideration of the rejected Claims 1-21 is respectfully requested.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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